IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3759 of 2007()

CMP.1741/2007 of J.M.F.C.-I,THAMARASSERY
CRIME NO.162/2007 OF KODUVALLY POLICE STATION

.....

: PETITIONER/ACCUSED

---

1. PRAJEESH, AGED 26 YEARS,
SON OF BALARAMAN NAIR, THARAMMALKANDY VEEDU,
KARUKULANGARA, KOZHIKODE DISTRICT.

2. SHAIJU, AGED 28 YEARS,
SON OF RAMANKUTTY, VATTIKKUNNUMMAL,
NARIKUNI AMSOM, KOZHIKODE.

3. PRAKASHAN, AGED 33 YEARS,
SON OF SEKHARAN NAIR, SOUGHANDIKA,
PAROPPARA VEEDU, NARIKKUNI AMSOM, KOZHIKODE.

4. SURAJ, AGED 25 YEARS, SON OF CHANDU,
AREEKAL HOUSE, NARIKKUNI AMSOM, KOZHIKODE.

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENTS: STATE

CIRCLE INSPECTOR OF POLICE,
KODUVALLY, KOZHIKODE DISTRICT,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3759 of 2007

Dated this the 21st day of June 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 4. The offences alleged include the offence punishable under Section 307 I.P.C. The alleged incident took place on 26/5/2007. The petitioners have been arrested and they continue in custody from 28/5/2007. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Misreading the alleged connection between the petitioners to an incident which had taken place earlier, the petitioners have been arrayed as accused. They have nothing to do with the earlier incident. In these circumstances, it is prayed that the petitioners may be enlarged on bail.

2. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the rival contestants are very powerful and influential and they belong to organisations which have connection with an earlier dispute. The learned Public Prosecutor points out that the injuries suffered by the victim is very serious and grievous. It was a deep injury - depth of about 20 cms. One kidney of the

victim has been cut and removed. The liver has been injured. He is still in the hospital. Because of his medical condition, his statement could not be recorded till now. In these circumstances, the petitioners may not be granted bail at this early stage, submits the learned Public Prosecutor.

3. I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on an anxious consideration of all the relevant inputs including the nature and gravity of the allegations, stage of investigation etc., I am not persuaded to grant regular bail to the petitioners at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 05/07/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007